

Dear President Giorgia Meloni,

The Child Friendly Justice European Network (CFJ-EN), network of 30+ associations, agencies and experts, coming from 21 European States, hold its General assembly and annual seminar in Genova on the 26<sup>th</sup> and 27<sup>th</sup> of October.

The theme of the Seminar was dedicated to “Transforming Justice Systems for Children in Migration”. The participants and key note speakers analysed and discussed a number of issues related to the protection of children and young persons in migration in Europe with the aim to assessing whether and how national legal systems align with the principles of International Law protecting human rights, in particular the rights of children.

This exchange was organized in Italy on the one hand because the country is one of the main gateway of migrants, including children, in Europe, and on the other hand has developed an interesting legal framework in regard to the protection of children in migration.

In the light of the above, the members of the CFJ-European Network strongly advocate for a migration policy concerning children that is based on the principles and rules deriving from International Law and (within the European Union) on art 24 of the EU Charter for fundamental rights, and in particular the principle of the best interests of the child that at the core of the 1989 UN Convention on the Rights of the Child,

The policy and services need to consider children in migration first and foremost as children, bearers of fundamental rights, that have the right to be taken care for in an integrated child protection system guaranteeing their fundamental rights and their safety.

The CFJ-EN recalls that States are not allowed to lower the existing standards of protection and rights, that all children below the age of 18 have the right to the same level of protection without any exception or any discrimination, that deprivation of liberty for migration related reasons is forbidden by international and European law and that age assessment should be done in respect of existing applicable standards.

The analysis conducted by our Italian member and other prominent children rights stakeholders show that the hastily adopted law decree No. 133/2023 by the Italian Government that is to be converted into law, does not fulfill these criteria and is in contravention of international Human Rights standards in light of the jurisprudence of the European Court on Human Rights and in particular the *Darboe and Camara v Italy* landmark case.

The CFJ-EN therefore strongly recommends that the Italian Government aligns this legislation with the above-mentioned principles and standards, taking into account the paramount principle of best interest of the child.

Genova, 26-27 October 2023